

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

| | | |
|------------------------------|---|------------------------|
| THOMAS H. BATES, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-21-705-JD |
| |) | |
| STATE FARM FIRE AND CASUALTY |) | |
| COMPANY, |) | |
| |) | |
| Defendant. |) | |

**PLAINTIFF’S MOTION TO AMEND/SUPPLEMENT
MOTION FOR ATTORNEY FEES AND PRE-JUDGMENT INTEREST**

Plaintiff Thomas H. Bates hereby requests leave to amend and/or supplement his Motion for Attorney Fees and Pre-Judgment Interest (Doc. 122) filed November 22, 2022 to add a request for paralegal fees, as suggested by the Court Clerk at the hearing on Plaintiff’s Bill of Costs held on January 12, 2023. Plaintiff is authorized to state that, in light of the Court Clerk’s ruling, Defendant does not object to Plaintiff being granted leave to amend/supplement his Motion for Attorney Fees. In further support of this Motion, Plaintiff would show the Court as follows:

1. In his Bill of Costs (Doc. 119), Plaintiff requested fees for exemplification in the amount of \$15,121.25 for services rendered by McGuire Courtroom Services, LLC.
2. In its Response to Plaintiff’s Bill of Costs (Doc. 131), State Farm took the position that such services “more properly fall into the category of paralegal services, which could have been submitted in a Motion for Attorney Fees.”

3. The Court Clerk agreed that Plaintiff was entitled to recover for McGuire's preparation of demonstrative exhibits and other exemplification as costs, but recommended that Plaintiff seek to amend/supplement his Motion for Attorney Fees to recover the amounts invoiced for McGuire's assistance with the presentation of evidence at trial.

4. The proposed amendment is limited to a request for the invoiced amounts for McGuire's assistance with the presentation of evidence at trial in the total amount of \$9,435.00, using the contracted rate of \$185 per hour, with related factual and/or legal argument. [*See also* Plaintiff's (proposed) Amended Motion for Attorney Fees and Pre-Judgment Interest attached hereto as Exhibit 1 (*sans* exhibits), pursuant to LCvR 15.1.] The proposed supplementation is limited to a copy of McGuire's invoice [attached hereto as Exhibit 2].

Relief Requested

For the reasons set forth herein, Plaintiff Thomas H. Bates respectfully requests the Court to enter an Order granting him seven (7) days to file his Amended Motion for Attorney Fees and Prejudgment Interest. A proposed Order is being submitted contemporaneously herewith in accordance with LCvR 5.5 & 7.1(k).

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CERTIFICATE OF SERVICE

☒ I hereby certify that on January 19, 2023, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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